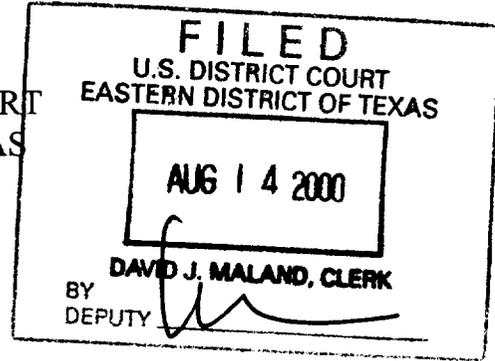


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION



NATHAN L. JACKSON, Individually §
and on behalf of a putative class of §
similarly situated individuals, §

Plaintiff, §

v. §

EAST TEXAS MEDICAL CENTER, §
ATHENS, ET AL, §

CIVIL ACTION NO. 6:00CV442-WMS

Defendants and Third-Party Plaintiffs, §

v. §

AETNA HEALTH AND LIFE §
INSURANCE COMPANY, ET AL, §

Third-Party Defendants. §

ANSWER OF PROVIDENT LIFE AND ACCIDENT INSURANCE COMPANY

Provident Life and Accident Insurance Company (“Provident”), one of the third-party defendants herein, files its answer to Defendants’ Original Third-Party Petition, and states:

1. With respect to the allegations contained in Paragraph I, admits the allegations pertaining to Provident; and states it is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained therein.

8

2. With respect to the allegations contained in Paragraph II, states that Plaintiff's Original Petition speaks for itself, although admits the allegations contained therein are broad and vague; states it is without knowledge or information sufficient to form a belief as to whether any of Plaintiff's allegations against Third-Party Plaintiffs are true; and denies the allegations therein against Provident.

3. With respect to the allegations contained in Paragraph III, states that pursuant to an Asset and Stock Purchase Agreement, dated December 20, 1994, Provident sold a substantial portion of its group health insurance business to Healthsource, Inc., much of which is believed to be governed by ERISA; admits, based on information and belief, the allegations pertaining to ERISA; and states it is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained therein.

4. With respect to the allegations contained in Paragraph IV, denies Third-Party Plaintiffs are entitled to contribution and/or indemnity; denies Provident is liable to Third-Party Plaintiffs for any alleged overpayments; denies Third-Party Plaintiffs are entitled to any recovery from Provident; and states it is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained therein.

5. With respect to the allegations contained in Paragraph V, denies Third-Party Plaintiffs are entitled to declaratory judgment relief; and states it is without knowledge or

information sufficient to form a belief as to the truth of the remaining allegations contained therein.

6. With respect to the allegations contained in Paragraph VI, denies the allegations against Provident; and states it is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained therein.

7. Denies all allegations not specifically admitted.

AFFIRMATIVE DEFENSES

8. Third-Party Plaintiffs' state law claims are preempted by ERISA.

9. Provident is not a proper party herein, is not a real party-in-interest, has been sued in the wrong capacity, and sold its group health insurance business to Healthsource, Inc. effective December 20, 1994.

RELIEF REQUESTED

10. Provident requests the following relief:

- (a) That Third-Party Plaintiffs take nothing by reason of their suit;
- (b) That Provident be dismissed with its costs and attorneys' fees under 29 U.S.C. §1132(g); and
- (c) That Provident have such other and further relief, both general and special, at law and in equity, to which it may show itself justly entitled.

Respectfully submitted,

By: _____

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Attorney-in-Charge

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ATTORNEYS FOR THIRD-PARTY
DEFENDANT PROVIDENT LIFE AND
ACCIDENT INSURANCE COMPANY

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing document has been forwarded via certified mail, return receipt requested, to the parties on the attached Service List on the 10th day of August, 2000.

Andrew G. Jubinsky

IA10403.0067

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